

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0031 Pour House Pub

**P.C. DATE:** 07/12/11

**ADDRESS:** 6701 Burnet Road

**AREA:** 0.229 Acres

**APPLICANT:** Spiritual Urban Warrior, L.L.C.  
(Andrew Creixell)

**AGENT:** McLean & Howard, L.L.P.  
(Jeff Howard)

**NEIGHBORHOOD PLAN AREA:** Brentwood

**CAPITOL VIEW:** No

**T.I.A.** No

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** CS-MU-V-CO-NP – General Commercial Services-Mixed Use-Vertical Mixed Use-Conditional Overlay-Neighborhood Plan

**ZONING TO:** CS-1-MU-V-NP – Commercial Liquor Sales- Mixed Use-Vertical Mixed Use-Neighborhood Plan

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends CS-1-MU-V-CO-NP, Commercial Liquor Sales- Mixed Use-Vertical Mixed Use-Conditional Overlay-Neighborhood Plan. The Conditional Overlay would prohibit Liquor Sales and Sexually Oriented Businesses and make the following uses a conditional use: Agricultural sales and services, Commercial blood plasma center, Equipment sales, Vehicle storage, Campground, Equipment repair services and Kennels.

### **DEPARTMENT COMMENTS:**

The property is currently developed with a multi-building complex that has frontage on Burnet Road and is primarily used as the Farmers Market. The owner's tenant currently operates an establishment known as the Pour House Pub on the property which serves food and beverages. The establishment also has a large outdoor/patio area to the northwest of the establishment for patrons. The owner's intent is to continue using the property as it is used today which is a tavern that serves food and drinks. However, the owner is requesting CS-1, Commercial Liquor Sales zoning so that the current tenant could continue to operate the tavern, but would allow them to have food receipts of less than fifty percent (50%). The owner has indicated that his tenant says that keeping food sales of fifty percent (50%) is a challenge to consistently maintain.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve CS-1-MU-V-NP district zoning, was approved on the consent agenda by Commissioner Dave Anderson's motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Danette Chimenti was absent, 1 vacancy on the commission.

**BASIS FOR RECOMMENDATION:**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Granting CS-1 would be in keeping with the current use of the property.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	CS-MU-V-CO-NP	Tavern/Pub
<b>NORTH</b>	CS-MU-V-CO-NP	Retail sales
<b>SOUTH</b>	CS-MU-V-CO-NP	Farmers Market
<b>EAST</b>	CS-MU-V-CO-NP	Farmers Market
<b>WEST</b>	CS-V	Automotive Sales

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0088 Allendale Vertical Mixed Use	From Various to V	Approved V [Vote: 9-0]	Approved V [Vote: 7-0]

**NEIGHBORHOOD ORGANIZATION:**

- North Austin Neighborhood Alliance
- Austin Neighborhood Council
- Greater Northcross Area
- Responsible Grow for Northcross
- Brentwood Neighborhood Association
- Allendale Neighborhood Association

**SCHOOLS:**

Brentwood Elementary School, Lamar Middle School, McCallum High School

**SITE PLAN:**

A conditional use permit and approval by the Planning Commission will be required when the site plan is submitted.

The zoning change is associated with SPC-2011-0016A.

**ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

#### **TRANSPORTATION:**

TR1: Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Burnet Road	120'	60'	Arterial	Not Available
Burnet Lane	Varies	Varies	Collector	Not Available

TR2: No additional right-of-way is needed at this time.

TR3: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

TR4: There are no existing sidewalks along Burnet Road or Burnet Lane.

TR5: According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Burnet Road	Shared Lane	Bike Lane
Burnet Lane	None	None

TR6: Capital Metro bus service (route no. 3) is available along Burnet Road.

**CITY COUNCIL DATE:** August 4th, 2011

**ACTION:**

**ORDINANCE READINGS:**

1<sup>ST</sup>

2<sup>ND</sup>

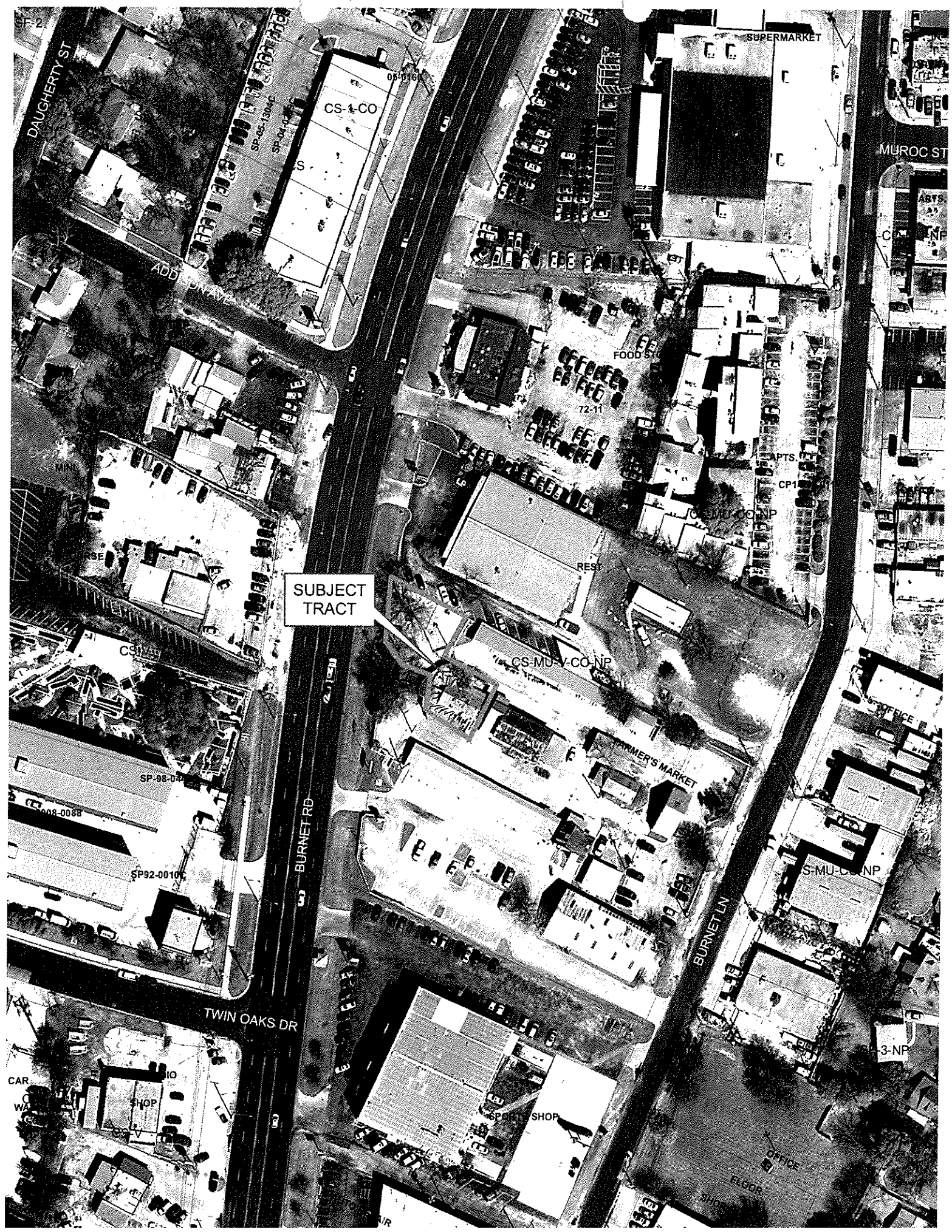
3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
Clark.patterson@ci.austin.tx.us

**PHONE:** 974-7691





SUBJECT TRACT

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0031

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

Aug. 18, 2011, City Council

Kevin Smyth  
Your Name (please print)

☐ I am in favor  
☒ I object

2500 Park View Dr  
Your address(es) affected by this application

Signature

Date

Daytime Telephone: 512-791-6061

Comments: The proposed zoning change would allow for a cocktail lounge with the increased traffic and associated hazards (increased chances of impaired driving) within 415 ft of property line to property line of a day care / school for children who are medically fragile / developmentally delayed.

We'll place a generally incompatible use with 5 ft zoning within 125 ft of property line to property line; parking is already limited this might result in patron parking in appropriate places.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810